

## **Remarks**

### **Status of the Application**

Prior to entry of this amendment, claims 10-16 and 26-32 were pending. The Office Action mailed February 4, 2011 (the "Office Action") rejected claims 10-14, 16, and 26-30 under § 103(a) as being unpatentable over U.S. Patent Application 2002/0051119 to Sherman et al. ("Sherman") in view of U.S. Patent Application 2002/0184457 to Yuasa et al. ("Yuasa"), rejected claim 15 under § 103(a) as being unpatentable over Sherman and Yuasa and further in view of U.S. Patent 7,272,613 to Sim et al. ("Sim"), and rejected claims 31-32 under § 103(a) as being unpatentable over Sherman and Yuasa and further in view of U.S. Patent 6,351,523 to Detlef ("Detlef").

This paper neither amends nor cancels any claims. New claims 33 and 34 have been added, however. Hence, after entry of this paper, claims 10-16 and 26-34 will stand pending for examination. Claim 10 is an independent claim.

### **Claim Amendments**

New claim 33 recites, "limiting access to the first and second content objects to conform with terms of a license to the first content object." Support for this amendment can be found throughout the application as filed, including, inter alia, at ¶ 0043 of the written description.

New claim 33 recites, "wherein the content object access point is incorporated within a premises network interface device ('NID')." Support for this claim can be found throughout the application as filed, including, inter alia, at ¶ 0023 of the written description.

### **Rejections under 35 U.S.C. § 103**

#### ***Claims 10-14, 16, and 26-30***

Claims 10-14, 16, and 26-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sherman in view of Yuasa. These rejections are respectfully traversed, because the Office Action has not demonstrated that the cited combination either teaches or suggests each element of any rejected claim. For example, even assuming the Sherman and Yuasa references did collectively disclose each element of any pending claim, the Office still has

not established that the references can be combined to form a prima facie case that any pending claim is obvious.

More specifically, the Office Action posits,

it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because by adding the list of content object entities to the guide of Sherman, a user would have the benefit to easily identify and select where to distribute, record, or save a created movie clip (as needed by Sherman, paragraph 0023) so that it can be presented. Thus, the teachings of Yuasa would have further provided an user-friendly system to enable a user to direct content to an appropriate device (Sherman discloses such a need in 0019 wherein multiple display devices are available for a user to choose from).

Office Action, at 6.

Sherman, however, does not in fact express any need to allow a user to direct content to an appropriate device. Instead, Sherman discloses only a Karaoke system that can display either on a "computer monitor 40 or an optional TV set 42 connected to the computer 40 running the system software of the present invention." Sherman, ¶ 0019. Thus, Sherman discloses only a well-known arrangement in which a computer can provide video output either to a dedicated monitor or a television set, depending on which device is connected to the video port of the computer. Sherman does not even suggest any need for the complex device-selection system disclosed by Yuasa, because Sherman merely discloses standard video output from a computer system.

In fact, the device-selection techniques disclosed by Yuasa would find no utility in Sherman's system, because Sherman does not disclose multiple playback devices. Instead, Sherman discloses only playback at a single computer system (which might utilize either a computer monitor or a TV set, which are functionally identical for Sherman's purposes). Moreover, because Sherman's Karaoke system requires specialized hardware (such as a microphone, see, e.g., Sherman, Fig. 1, element 36, and ¶ 0012), providing output to a range of devices that do not include (and are not capable of supporting) such hardware, one skilled in the art would have no reasonable expectation of combining Yuasa's device selection techniques (which are disclosed only in the context of selecting a device to record broadcast content), with

Sherman's system to produce any sort of working system that fulfilled the purpose of Sherman's invention, which is to provide interactive "Karaoke systems that allow dubbing an actor's voice in a video clip." Sherman, ¶ 0002.

Accordingly, the Office has failed to identify any credible reason for one skilled in the art to believe that Yuasa and Sherman could be combined as contemplated, and similarly has failed to establish that one skilled in the art would have any reasonable expectation of success in such a combination. Accordingly, the combination of Sherman and Yuasa cannot create a prima facie case that any of claims 10-14, 16, and 26-30 are unpatentable under § 103(a).

Because Sim and Detlef cannot remedy those failings, claim 10 would be allowable over any combination of Sherman, Yuasa, Sim, and Detlef. Accordingly, claims 15 and 31-32 are allowable at least by virtue of their dependence from allowable base claims.

#### New Claims

New claims 33 and 34, which depend from claim 10, are independently allowable. For example, claim 33 requires, "limiting access to the first and second content objects to conform with terms of a license to the first content object," a feature that finds no disclosure in any of the cited references. Likewise, each of the cited references fails to disclose, or even suggest, the features of claim 34, which recites, "wherein the content object access point is incorporated within a premises network interface device ('NID')." For at least these additional reasons, claims 33 and 34 are allowable over any combination of Sherman, Yuasa, Sim, and Detlef.

#### Conclusion

Applicant believes that the pending claims are in condition for allowance. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This paper constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117, if not otherwise specifically requested. The undersigned hereby authorizes the charge of any fees created by the filing of this document or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

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